

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

Your Committee on Education, to which was referred Senate Bill 192, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-2-8-1 IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) ~~As used~~ **The following**
- 5 **definitions apply** in this section:
- 6 (1) "Abuse" means:
- 7 (A) conduct that causes bodily injury (as defined in
- 8 IC 35-41-1-4) or damage to property; or
- 9 (B) a threat of conduct that would cause bodily injury (as
- 10 defined in IC 35-41-1-4) or damage to property.
- 11 (2) "County law enforcement agency" includes:
- 12 (A) university police officers appointed under IC 20-12-3.5;
- 13 **and**
- 14 (B) **school corporation police officers appointed under**
- 15 **IC 20-26-16.**

1 (b) There is established in each county a county law enforcement
2 continuing education program. The program is funded by amounts
3 appropriated under IC 33-37-8-6.

4 (c) A county law enforcement agency receiving amounts based upon
5 claims for law enforcement continuing education funds under
6 IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the
7 county law enforcement continuing education fund.

8 (d) Distribution of money in the county law enforcement continuing
9 education fund shall be made to a county law enforcement agency
10 without the necessity of first obtaining an appropriation from the
11 county fiscal body.

12 (e) Money in excess of one hundred dollars (\$100) that is
13 unencumbered and remains in a county law enforcement continuing
14 education fund for at least one (1) entire calendar year from the date of
15 its deposit shall, at the end of a county's fiscal year, be deposited by the
16 county auditor in the law enforcement training fund established under
17 IC 5-2-1-13(b).

18 (f) To make a claim under IC 33-37-8-6, a law enforcement agency
19 shall submit to the fiscal body a verified statement of cause numbers
20 for fees collected that are attributable to the law enforcement efforts of
21 that agency.

22 (g) A law enforcement agency shall submit a claim for fees under
23 this section in the same county fiscal year in which the fees are
24 collected under IC 33-37-4.

25 (h) A county law enforcement agency program shall provide to each
26 law enforcement officer employed by the county and may provide to
27 each law enforcement officer employed by a city or town law
28 enforcement agency within the county continuing education concerning
29 the following:

30 (1) Duties of a law enforcement officer in enforcing restraining
31 orders, protective orders, temporary injunctions, and permanent
32 injunctions involving abuse.

33 (2) Guidelines for making felony and misdemeanor arrests in
34 cases involving abuse.

35 (3) Techniques for handling incidents of abuse that:

36 (A) minimize the likelihood of injury to the law enforcement
37 officer; and

38 (B) promote the safety of a victim.

- (4) Information about the nature and extent of abuse.
- (5) Information about the legal rights of and remedies available to victims of abuse.
- (6) How to document and collect evidence in an abuse case.
- (7) The legal consequences of abuse.
- (8) The impact on children of law enforcement intervention in abuse cases.
- (9) Services and facilities available to victims of abuse and abusers.
- (10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.
- (11) Policies concerning arrest or release of suspects in abuse cases.
- (12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.
- (13) Landlord-tenant concerns in abuse cases.
- (14) The taking of an abused child into protective custody.
- (15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.
- (16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).
- (17) Response to a sudden, unexpected infant death.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

SECTION 2. IC 5-2-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) ~~As used~~ **The following definitions apply** in this section:

- (1) "Abuse" has the meaning set forth in section 1(a) of this chapter.
- (2) "City or town law enforcement agency" includes:
 - (A) university police officers appointed under IC 20-12-3.5;
 - and**
 - (B) **school corporation police officers appointed under IC 20-26-16.**

(b) There is established in each city and in each town with a city or town court a local law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-4 and

1 fees collected under IC 9-29-4-2, IC 9-29-11-1, and IC 35-47-2-3.

2 (c) A city or town law enforcement agency receiving amounts based
3 upon claims for law enforcement continuing education funds under
4 IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the
5 local law enforcement continuing education fund.

6 (d) Distribution of money in a local law enforcement continuing
7 education fund shall be made to a city or town law enforcement agency
8 without the necessity of first obtaining an appropriation from the fiscal
9 body of the city or town.

10 (e) To make a claim under IC 33-37-8-4, a law enforcement agency
11 shall submit to the fiscal body a verified statement of cause numbers
12 for fees collected that are attributable to the law enforcement efforts of
13 that agency.

14 (f) A city or town law enforcement agency shall provide to each law
15 enforcement officer employed by the city or town law enforcement
16 agency continuing education concerning the following:

17 (1) Duties of a law enforcement officer in enforcing restraining
18 orders, protective orders, temporary injunctions, and permanent
19 injunctions involving abuse.

20 (2) Guidelines for making felony and misdemeanor arrests in
21 cases involving abuse.

22 (3) Techniques for handling incidents of abuse that:

23 (A) minimize the likelihood of injury to the law enforcement
24 officer; and

25 (B) promote the safety of a victim.

26 (4) Information about the nature and extent of abuse.

27 (5) Information about the legal rights of and remedies available
28 to victims of abuse.

29 (6) How to document and collect evidence in an abuse case.

30 (7) The legal consequences of abuse.

31 (8) The impact on children of law enforcement intervention in
32 abuse cases.

33 (9) Services and facilities available to victims of abuse and
34 abusers.

35 (10) Verification of restraining orders, protective orders,
36 temporary injunctions, and permanent injunctions.

37 (11) Policies concerning arrest or release of suspects in abuse
38 cases.

- 1 (12) Emergency assistance to victims of abuse and criminal
- 2 justice options for victims of abuse.
- 3 (13) Landlord-tenant concerns in abuse cases.
- 4 (14) The taking of an abused child into protective custody.
- 5 (15) Assessment of a situation in which the child may be seriously
- 6 endangered if the child is left in the child's home.
- 7 (16) Assessment of a situation involving an endangered adult (as
- 8 defined in IC 12-10-3-2).
- 9 (17) Response to a sudden, unexpected infant death.
- 10 (g) A city or town law enforcement agency may enter into an
- 11 agreement with other county, city, or town law enforcement agencies
- 12 to provide the continuing education required by this section and section
- 13 1(h) of this chapter.
- 14 SECTION 3. IC 5-10-10-4, AS AMENDED BY P.L.43-2006,
- 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2007]: Sec. 4. As used in this chapter, "public safety officer"
- 17 means any of the following:
- 18 (1) A state police officer.
- 19 (2) A county sheriff.
- 20 (3) A county police officer.
- 21 (4) A correctional officer.
- 22 (5) An excise police officer.
- 23 (6) A county police reserve officer.
- 24 (7) A city police reserve officer.
- 25 (8) A conservation enforcement officer.
- 26 (9) A town marshal.
- 27 (10) A deputy town marshal.
- 28 (11) A probation officer.
- 29 (12) A state university, college, or junior college police officer
- 30 appointed under IC 20-12-3.5.
- 31 (13) A police officer whose employer purchases coverage under
- 32 section 4.5 of this chapter.
- 33 (14) An emergency medical services provider (as defined in
- 34 IC 16-41-10-1) who is:
- 35 (A) employed by a political subdivision (as defined in
- 36 IC 36-1-2-13); and
- 37 (B) not eligible for a special death benefit under IC 36-8-6-20,
- 38 IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

1 (15) A firefighter who is employed by the fire department of a
2 state university.

3 (16) A firefighter whose employer purchases coverage under
4 section 4.5 of this chapter.

5 (17) A member of a consolidated law enforcement department
6 established under IC 36-3-1-5.1.

7 (18) A gaming agent of the Indiana gaming commission.

8 (19) A person who is:

9 (A) employed by a political subdivision (as defined in
10 IC 36-1-2-13); and

11 (B) appointed as a special deputy under IC 36-8-10-10.6.

12 **(20) A school corporation police officer appointed under**
13 **IC 20-26-16.**

14 SECTION 4. IC 20-25-4-22 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2007]: **Sec. 22. The governing body of a school city may establish**
17 **a police department under IC 20-26-16."**

18 Page 2, between lines 10 and 11, begin a new paragraph and insert:
19 "SECTION 5. IC 20-26-16 IS ADDED TO THE INDIANA CODE
20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2007]:

22 **Chapter 16. School Corporation Police Departments**

23 **Sec. 1. This chapter applies to a school corporation, including a**
24 **school city (as defined in IC 20-25-2-12).**

25 **Sec. 2. The governing body of a school corporation may**
26 **establish a school corporation police department under this**
27 **chapter.**

28 **Sec. 3. The governing body of a school corporation may do the**
29 **following for the school corporation police department:**

30 (1) **Appoint school corporation police officers.**

31 (2) **Prescribe the duties and direct the conduct of school**
32 **corporation police officers.**

33 (3) **Prescribe distinctive uniforms.**

34 (4) **Provide emergency vehicles.**

35 **Sec. 4. An individual appointed as a school corporation police**
36 **officer must successfully complete at least:**

37 (1) **the pre-basic training course established under**
38 **IC 5-2-1-9(f); and**

(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

Sec. 5. (a) Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least:

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation police officer may not:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property; or

(3) carry a firearm;

unless the school corporation police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).

Sec. 6. (a) A school corporation police officer appointed under this chapter:

(1) is a law enforcement officer (as defined in IC 5-2-1-2(1));

(2) must take an appropriate oath of office in a form and manner prescribed by the governing body;

(3) serves at the governing body's pleasure; and

(4) performs the duties that the governing body assigns.

(b) A school corporation police officer has general police powers, including the power to arrest, without process, all persons who within the view of the school corporation police officer commit any offense. School corporation police officers have the same common law and statutory powers, privileges, and immunities as sheriffs and constables.

(c) A school corporation police officer may serve civil process only to the extent authorized by the governing board. The governing board, in collaboration with local law enforcement, shall establish the powers of the school corporation police officer.

1 **Sec. 7. A school corporation police department established**
2 **before July 1, 2007, shall be considered, after June 30, 2007, a**
3 **school corporation police department established under this**
4 **chapter."**

5 Page 2, after line 23, begin a new paragraph and insert:

6 **"SECTION 6. [EFFECTIVE JULY 1, 2007] (a) An individual**
7 **appointed as a school corporation police officer before January 1,**
8 **2007, must begin the training and education required under**
9 **IC 20-26-16-5, as added by this act, not later than January 1, 2008.**
10 **However, an individual who is unable to begin the training and**
11 **education not later than January 1, 2008, due to the existence of a**
12 **waiting list for the training and education must begin the training**
13 **and education as soon as possible after January 1, 2008.**

14 **(b) An individual appointed as a school corporation police**
15 **officer after December 31, 2006, and before July 1, 2007, must**
16 **begin the training and education required under IC 20-26-16-5, as**
17 **added by this act, not later than one (1) year after the individual's**
18 **appointment. However, an individual who is unable to begin the**
19 **training and education within one (1) year after the individual's**
20 **appointment due to the existence of a waiting list for the training**
21 **and education must begin the training and education as soon as**
22 **possible after the expiration of the one (1) year period.**

23 **(c) Notwithstanding IC 20-26-16-5, as added by this act, an**
24 **individual appointed as a school corporation police officer before**
25 **July 1, 2007, who is unable to complete the training and education**
26 **required under IC 20-26-16-5, as added by this act, not later than**
27 **July 1, 2010, due to the existence of a waiting list for the training**
28 **and education must complete the training and education as soon as**

- 1 **possible after July 1, 2010.**
- 2 **(d) This SECTION expires January 1, 2011."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to SB 192 as reprinted January 24, 2007.)

and when so amended that said bill do pass.

Representative Porter